

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA :
:
-v.- :
:
RONALD ROMANO, :
:
Defendant. :
:
- - - - - x

INDICTMENT

20 Cr.

CRM 585

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about February 2020, up to and including in or about April 2020, in the Southern District of New York and elsewhere, RONALD ROMANO, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that RONALD ROMANO, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by

means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, which scheme involved the use of interstate wires into the Southern District of New York, to wit, ROMANO, and others known and unknown, participated in a scheme to price gouge the City of New York ("NYC"), and other victims, during the novel coronavirus/COVID-19 pandemic by making false and fraudulent statements to induce victims to pay more for respirators than the victims otherwise would, including false and fraudulent statements to induce NYC to pay more than \$45 million for what ROMANO represented to be 3M-brand N95 respirators, which constituted a more than 400% markup of the list price for such respirators, which scheme deprived victims of the ability to make informed decisions and exposed those victims to economic risk and involved the use of interstate wires, including emails, telephone calls, and text messages transmitted into and out of the Southern District of New York.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Wire Fraud)

The Grand Jury further charges:

3. From at least in or about February 2020, up to and including in or about April 2020, in the Southern District of New York and elsewhere, RONALD ROMANO, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises and attempting so to do, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, ROMANO, and others known and unknown, attempted to and did price gouge the City of New York ("NYC"), and other victims, during the novel coronavirus/COVID-19 pandemic by making false and fraudulent statements to induce victims to pay more for respirators than the victims otherwise would, including false and fraudulent statements to induce NYC to pay more than \$45 million for what ROMANO represented to be 3M-brand N95 respirators, which constituted a more than 400% markup of the list price for such

respirators, which scheme deprived victims of the ability to make informed decisions and exposed those victims to economic risk and involved the use of interstate wires, including emails, telephone calls, and text messages transmitted into and out of the Southern District of New York.

(Title 18, United States Code, Sections 1349, 1343, and 2.)

COUNT THREE

(Conspiracy to Violate the Defense Production Act)

The Acting United States Attorney charges:

4. From at least on or about March 25, 2020, up to and including at least in or about April 2020, in the Southern District of New York and elsewhere, RONALD ROMANO, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, hoarding of designated scarce materials, in violation of Title 50, United States Code, Section 4512.

5. It was a part and object of the conspiracy that RONALD ROMANO, the defendant, and others known and unknown, willfully and knowingly would and did accumulate, for the purpose of resale at prices in excess of prevailing market prices,

materials which have been designated by the President as scarce materials or materials the supply of which would be threatened by such accumulation, to wit, certain respirators and facemasks, in violation of Title 50, United States Code, Section 4512.

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 24, 2020, ROMANO caused to be transmitted an email to 3M that attempted to obtain approximately seven million face respirators from 3M.

b. On or about March 31, 2020, ROMANO caused to be transmitted to NYC false and misleading references for the purpose of causing NYC to purchase approximately seven million face respirators at more than a 400% markup from the 3M list price.

c. On or about March 29, 2020, ROMANO caused to be transmitted to the Florida Division of Emergency Management (the "FDEM") a formal quote for N99 facemasks at an approximately 500% markup.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

7. As a result of committing the offenses alleged in Counts One and Two of this Indictment, RONALD ROMANO, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendant personally obtained.

Substitute Assets Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RONALD ROMANO,

Defendant.

INDICTMENT

20 Cr. ____

(18 U.S.C. §§ 1349, 1343, 371, and 2.)

AUDREY STRAUSS

Acting United States
Attorney.

TRUE BILL



FOREPERSON

To: [illegible]
[illegible]

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